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From: Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: 31
<p>Message:</p> <p>Enclosed herewith:</p> <ul style="list-style-type: none">• Transmittal Document; and• Appeal Brief.	
Re: Application No. 09/866,251 Attorney Docket No: YOR920010343US1	
Date: Tuesday, April 05, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Chefalas et al.**Serial No.: **09/866,251**Filed: **May 25, 2001****For: Method and Apparatus for
Performing the Identification of Files
to be Backed Up Using Relational
Meta Data****35526**PATENT TRADEMARK OFFICE
CUSTOMER NUMBERGroup Art Unit: **2164**Examiner: **Channavajjala, Srirama T.**Attorney Docket No.: **YOR920010343US1****Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

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By:


Michele Morrow**TRANSMITTAL DOCUMENT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ENCLOSED HERewith:

- Appeal Brief (37 C.F.R. 41.37).

A fee of \$500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 50-0510. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

Respectfully submitted,



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Docket No. YOR920010343US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Chefalas et al.**Serial No. **09/866,251**Filed: **May 25, 2001**For: **Method and Apparatus for
Performing the Identification of Files
to be Backed Up Using Relational
Meta Data**§
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§Group Art Unit: **2164**Examiner: **Channavajjala, Srirama T.**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Certificate of Transmission Under 37 C.F.R. § 1.8(a)

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By:

Michele Morrow
Michele Morrow

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on February 14, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

(Appcal Brief Page 1 of 29)
Chefalas et al. - 09/866,251

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-61

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-61
4. Claims allowed: NONE
5. Claims rejected: 1-61
6. Claims objected to: NONE

C. CLAIMS ON APPEAL

The claims on appeal are: 1-61

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 17, 30, and 46:

The present invention provides a method in a data processing system for backing up data. (Specification, page 21, lines 17-21) The present invention queries a data store containing meta data regarding files associated with the application in response to a request to backup data associated with an application, wherein the data store includes meta data describing the files accessed by the application. (Specification, page 21, line 22 to page 22, line 1) The present invention receives a result in response to querying the data store. (Specification, page 22, lines 1-6) The present invention backs up the files identified in the result to a storage system. (Specification, page 22, lines 7-8)

The means recited in independent claim 30, as well as dependent claims 31-39, may be data processing hardware within laptop computer 104, PDA 110 or hub 102 in Figure 1 operating under control of software performing the steps described in the specification at page 21, line 17, to page 22, line 9, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 46, as well as dependent claims 47-55, given Figure 16 and the corresponding description at page 21, line 17, to page 22, line 9, without undue experimentation.

Independent claims 11, 24, 40, and 56:

The present invention provides a method in a data processing system for backing up data. (Specification, page 20, line 24, to page 21, line 1) The present invention receives a request to back up data associated with an application. (Specification, page 21, lines 2-5) The present invention queries a data store containing data regarding data associated with the application in response to receiving the request, wherein the data store includes meta data describing the files associated with the application. (Specification, page 21, lines 5-8) The present invention receives a result in response to querying the data store. (Specification, page 21, lines 8-9) The present invention initiates copying of the files to a backup location. (Specification, page 21, lines 9-10)

The means recited in independent claim 40, as well as dependent claims 41-45, may be data processing hardware within laptop computer 104, PDA 110 or hub 102 in Figure 1 operating under control of software performing the steps described in the specification at page 20, line 24, to page 21, line 16, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 56, as well as dependent claims 57-61, given Figure 15 and the corresponding description at page 20, line 24, to page 21, line 16, without undue experimentation.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 1-61)

Claims 1-61 stand rejected under 35 U.S.C. § 102(b) under as anticipated over *Dunham* et al. (U.S. Patent No. 6,714,952 B2).

ARGUMENT

A. GROUND OF REJECTION 1 (Claims 1-61)

A.1. Claims 1-61

The Office Action rejects claims 1-61 under 35 U.S.C. § 102(e) as being anticipated by *Dunham et al.* (U.S. patent number 6,714,952). This rejection is respectfully traversed.

With regard to claims 1, 11, 17, 24, 30, 40, 46 and 56, the Office Action dated April 5, 2004 states:

As to claims 1, 11, 17, 24, 30, 40, 46, 56 Dunham teaches a system which including 'data processing system for backing up data' [see Abstract], Dunham is directed to backup and restore of network file server, more specifically backup and restoration of data files that are associated with application programs [see Abstract], 'responsive to a request to backup data associated with an application' [col 2, line 46-51], responsive to a request to backup data associated with an application corresponds to performing data backup operations that are associated with the data and respective application as detailed in col 2, line 46-51; querying a data store containing meta data regarding files associated with the application' [col 2, line 39-43, col 3, line 7-17, col 5, line 63-67, col 6, line 1-11, col 7, line 30-38]; 'data store includes meta data describing the files accessed by the application' [col 5, line 21-25, col 6, line 50-56, col 7, line 11-15, fig 1-2], *Dunham* specifically teaches metadata server associated with file(s) data and their respective attributes as detailed in fig 2-3, col 7, line 11-15; 'receiving a result in response to querying the data store' [col 7, line 39-49, line 58-60], Duham teaches particularly file system residing file servers executing specific instructions, which file system to be accessed; 'backing up the files identified in the result to a storage system' [col 8, line 1-6],

Furthermore, Duham also teaches the limitation of Claims 11, 24, 40, 56 'copying of the files to a backup location' [col 2, line 48-51, col 8, line 1-3], transferring data and metadata to the backup storage location corresponds to copying of the file to a backup location as detailed in col 8, line 1-3, fig 4.

Claim 1, which is representative of independent claims 17, 30, and 46 with regard to similarly recited subject matter, reads as follows:

1. A method in a data processing system for backing up data, the method comprising:
responsive to a request to backup data associated with an application,
querying a data store containing meta data regarding files associated with the

application, wherein the data store includes meta data describing the files accessed by the application;

receiving a result in response to querying the data store; and
backing up the files identified in the result to a storage system.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. In *re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. In *re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Appellants respectfully submit that *Dunham* does not identically show each and every feature of the claims arranged as they are in the claims. Specifically, *Dunham* does not teach, querying a data store containing meta data regarding files associated with the application in response to a request to backup data associated with an application, wherein the data store includes meta data describing the files accessed by the application.

In particular, claim 1 recites having "meta data regarding files associated with the application" and "meta data describing the files accessed by the application." Metadata files are files that describe data files. Metadata files are used for the efficient management of data files – they are like a single card in a library card catalog. But, unlike the card catalog, there is no widespread consensus on what information metadata files should contain. The information stored in metadata files depends upon the purpose the system administrator has for the information.

Dunham teaches a system wherein a set of metadata files describes the data file in accordance with the different operating systems in a multi-lingual network. There is a metadata file for each operating system that accesses the data file. Each of these metadata files contains information concerning operating system attributes for the data file. This information in *Dunham* provides a way to backup and restore multiple use data files within multi-lingual computer networks.

The Office Action, dated April 5, states, "Dunham is directed to backup and restore of network file server, more specifically backup and restoration of data files that are associated with

application programs.” The Office Action, dated April 5, asserts that, “a request to backup data associated with an application” is taught in the following section of *Dunham*:

Described is a technique for a backup and restoration of data in a network that includes a multi-lingual file system and a multi-lingual network file server. Multiple metadata files are associated with a single data file in the network. Provided are services for packaging the metadata as a single parameter of an application programming interface (API) for a particular data file being backed up or restored over a network. These techniques may be used in both full and incremental backups and restores of data over a network.

Dunham, Abstract.

In accordance with another aspect of the invention is a method and a system for performing a data backup operation in a network. A request is received at a backup server to backup data from a storage area. In response to the request, a data file is transferred to the backup server from a file server.

Dunham, col. 2, lines 46-51.

In the passages above, *Dunham* teaches a method of backing up and restoring data files that are used by multi-linguistic computer networks. *Dunham* employs metadata files that store useful information about the attributes of data files and that aid in the translation of the data files into different languages. However, the Abstract of *Dunham* does not indicate that an association is present between the application and the data file. On the contrary, the Abstract and the sections cited in the office action above indicate a general backup of data files with no teaching of an association of the data file to the application. The data files in the *Dunham* backup method may or may not be associated with a particular application. No method is taught in *Dunham* to make this association. Therefore, the Abstract and lines quoted above do not support the Office Action’s allegation that *Dunham* contains a feature “responsive to a request to backup data associated with an application.” Neither of these sections, nor any other section, of *Dunham* mentions the association between data files and their applications.

Instead, the cited sections specifically teach that metadata files are associated with a single data file. Nowhere does this cited section teach or disclose that the backup data is associated with an application. Nowhere does this cited reference teach that the metadata describes the files access by the application associated with the data.

The Final Office Action dated November 16, 2004, states:

As to the above argument [a], firstly, Dunham et al. is directed to a backup and restore of multi-lingual network files, more specifically multiple metadata files that are associated with data file system [see Abstract], secondly, the basic definition of metadata means "data about data"; thirdly, Dunham specifically teaches relation between meta data files and single data file, further metadata defined as single parameter for an application programming interface (API) [see Abstract]. Examiner further notes that Dunham et al specifically suggests for example different file names by which a single set of file data may be referred [see col 5, line 67, col 6, line 1]. As best understood by the examiner, the association between application and data files are established through application programming interface as detailed in Abstract. It is also noted that applicant agree with the examiner's assertion that Dunham does teach metadata files that store useful information about attributes of data files and that aid a translation of the data files into different languages [see page 14].

While *Dunham* may teach metadata files that store useful information about attributes of data files and that aid a translation of the data files into different languages. Those metadata files do not contain information about the files associated with a particular application. That is, the metadata files of *Dunham* store information about a data file and do not include information about the application that may use that data file. Furthermore, while *Dunham* may teach a relationship between metadata files and single data file, *Dunham* specifically teaches packaging the metadata as a single parameter of an application programming interface (API) for a particular data file being backed up or restored over a network. The API is an interface by which an application program accesses operating system and other services. The packaging of the metadata to the API is not equivalent to querying a data store containing metadata regarding files associated with the application as an API is not an application.

Additionally, the Final Office Action dated November 16, 2004, states:

As to the arguments [b-d], Dunham specifically teaches metadata of a particular data file represented as a particular parameter and associated with application programming interface for a specific data file to be restored or backed up [see Abstract], further Dunham teaches performing especially remote backup operations to backup data using remote procedure call establishing relationship between respective metadata that describes specific data file as detailed in column 2, lines 46-51, therefore, Dunham teaches not only establishing relation between data files and specific application, but also processing the request to backup data files.

As shown above, an association of a metadata file to an API is not the same as metadata files associated with an application. That is an API is an interface by which an application program accesses an operating system and other services and is not an actual application.

Furthermore, "a request to backup data associated with an application" does not correspond to "performing a data backup operation that are associated with the data and respective application," as the Office Action alleges. Backing up data associated with an application indicates that the data backed up is particularly associated with an application. As an example, a user could request the backup of all the files associated with a Microsoft Word file. The backup application would respond with a list of all files that are associated with Microsoft Word exclusively, no matter what directory the data file was in or what file extension the data file had.

In contrast, the Office Action's statement that, "a backup operation that is associated with the data and respective application," is not indicative of a known association between a data file and a particular application. Such an operation could backup data files whether or not the files are associated with a particular application or such an operation could backup an application whether or not it is associated with a data file. In such an operation, all files in a directory would be backed up whether or not they were Microsoft Word files, and Microsoft Word files would not be backed up that were in an unexpected directory or had a nonconforming file extension.

The Final Office Action dated November 16, 2004, states:

As to the above argument [e], as explained above, Dunham is directed to backup and restoration of data, more specifically describing metadata and respective attributes [see col 2, line 16-25], also, Dunham specifically discusses variety of data formats and files required to be backed up or restored, related to different applications [see col 1, line 16-31], as best understood by the examiner, these data files or formats are created based on a particular application supported by any operating systems for example NT or UNIX file system, in fact, Dunham supports variety of file systems for example BT file system, common internet file system, NT and UNIX file system [see col 4, lines 36-51, fig 1], therefore, Dunham teaches association between different data files and their applications.

Appellants respectfully submit that *Dunham* teaches backing up files associated with the server and the metadata is associated with each file residing on the server. There is no teaching in the *Dunham* reference where the metadata defines the files associated with a particular application.

Furthermore, *Dunham* does not teach a request to backup data associated with an application but, rather, backup data associated with a server.

Furthermore, claim 1 recites the feature of querying a data store containing metadata regarding data files associated with the application. The Office Action states that this feature is taught in the following sections of *Dunham*:

A request is issued by a client for the data file and the one or more metadata files from a file storage area. A file server obtains each of the one or more metadata files. In response to the request, the one or more metadata files are provided to said client in a single response.

Dunham, col. 2, lines 39 to 43.

A file server system provides data to be backed up to the backup computer system. A metadata service include in the file server system responds using remote procedure calls to requests from the backup agent for metadata. The metadata service provides at least two metadata files for a data file being backed up as a parameter included in a first of the remote procedure calls. Each of the two metadata files includes file attributes corresponding to a different file system used by one of the at least two computer systems. A network connection between the backup agent and the metadata service transmits the at least two metadata files. [Emphasis added]

Dunham, col. 3, lines 7 to 17.

The catalogue 32 is generally a description of the various files and associated attributes or metadata for each of the files included in backup storage devices 22a and 22b. Generally, the catalogue 32 may include, for example, different file names by which a single set of file data may be referred to in accordance with each of the hosts 12a and 12b. For example, if host 12a is an NT system and host 12b is a UNIX system, they may have different file naming conventions for referencing the same set of data. Both naming conventions referencing the same set of data may be included in the catalogue 32. Also, associated metadata or file attributes are included in the catalogue 32. Metadata or file attributes may include, for example, how the file may be accessed by various users, the date last modified, the number of file storage extents associated with this particular file, and the like. [Emphasis added]

Dunham, col. 5, lines 63 to col. 6, line 11.

A request to backup data may be generated, for example, by someone who is an administrator on the backup/restore server when performing a full or incremental backup of the system. Additionally, a remote request from one of the hosts connected via network 14, such as 12a, may also initiate the request to

backup data sent to the backup/restore server 30 at step 50. It should be noted that in this particular embodiment, the scheduler 34 receives the request.

Dunham, col. 7, lines 30 to 38.

As shown by the passages above, *Dunham* teaches a backup method for a network that has more than one system language, and that several metadata files can be delivered in a single request. The passages also teach that at least two metadata files corresponding to at least two different computer systems are transmitted on a network connection. The passages then describe the catalog as generally a system of storing the various data files and metadata files associated with them. The passage goes on to list information that could be contained in the metadata files and therefore the catalog. However, associations of applications with the data files are not included in this list, nor mentioned anywhere in the *Dunham* reference. Further, *Dunham*'s method teaches that more than one computer system must be included in the network, contrary to the present invention that can function on a single computer. *Dunham* teaches that the set of metadata files that are associated with a data file are cataloged, and that the catalog includes different file names (following the naming conventions of each operating system) for a single set of file data. In contrast, claim 1 includes the application or applications associated with the data file in the data store.

The Final Office Action dated November 16, 2004, states:

As to the above argument [f], as explained above, *Dunham* is directed to backup and restoration of files, and respective attributes in association with application program interface [see Abstract, further UNIX, NT system supports various data file formats and data files for example NT file system by Microsoft or CIFS or common internet file system by Microsoft, these data files or formats are created based on a particular application supported by any operating systems for example NT or UNIX file system, in fact, *Dunham* supports variety of file systems for example BT file system, common internet file system, NT and UNIX file system [see col 4, lines 36-51, fig 1], therefore, *Dunham* teaches associations of applications with the data files.

Appellants respectfully submit that *Dunham* does not teach an association of applications with metadata file. As discussed above, *Dunham* teaches backing up files associated with the server and the metadata is associated with each file residing on the server. There is no teaching in the *Dunham* reference where the metadata defines the files associated with a particular application. Even if the metadata information were associated with a UNIX or NT API, then the metadata

information would then be associated with either an operating system or an application program interface. As shown above, an association of a metadata file to an API is not the same as metadata files associated with an application. That is an API is an interface by which an application program accesses an operating system and other services and is not an actual application. Thus, *Dunham* does not teach associations of applications with the metadata files.

Independent claims 11, 24, 40, and 56 recite similar features in their respective claim terminology. For example, claim 11, which is representative of the other rejected independent claims 24, 40, and 56 with regard so similarly recited subject matter, recites "receiving a request to back up data associated with an application; querying a data store containing data regarding data associated with the application in response to receiving the request, wherein the data store includes meta data describing the files associated with the application; receiving a result in response to querying the data store; and initiating copying of the files to a backup location."

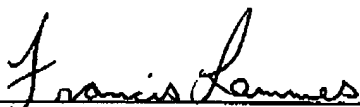
Furthermore, *Dunham* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Dunham* actually teaches away from the presently claimed invention because it teaches a multi computer, multi linguistic environment as opposed to a single or multiple computer system environment taught in the presently claimed invention. Also, *Dunham* teaches away from the presently claimed invention because it teaches a reliance on file naming conventions of application programs to identify the data files associated with the application. Absent the Examiner pointing out some teaching or incentive to implement *Dunham* in a single computer environment, with no reliance on a file naming convention, one of ordinary skill in the art would not be led to modify *Dunham* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Dunham* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Appellants' disclosure as a template to make the necessary changes to reach the claimed invention.

In view of the above, Appellants submit that independent claims 1, 11, 17, 24, 30, 40, 46, and 56 are not taught by *Dunham*. At least by virtue of their dependency on independent claims 1, 11, 17, 24, 30, 40, 46, and 56, the specific features of dependent claims 2-10, 12-16, 18-23, 25-29, 31-39, 41-45, 47-55, and 57-61 are not taught by *Dunham*. Accordingly, Appellants respectfully request withdrawal of the rejection of claims 1-61 under 35 U.S.C. § 102.

Moreover in addition to their dependency on claims 1, 11, 17, 24, 30, 40, 46, and 56, *Dunham* does not teach the specific features of dependent claims 2-10, 12-16, 18-23, 25-29, 31-39, 41-45, 47-55, and 57-61. For example, with regard to claims 2, 12, 18, 25, 31, 41, 47, and 57 *Dunham* does not teach using a standard backup program to backup the data files associated with an application. As stated above, the data files backed up in the *Dunham* reference may or may not be associated with a particular application. The feature of backing up data files associated with an application with a standard backup program is not taught in *Dunham*. Therefore, in addition to being dependent on independent claims 1, 11, 17, 24, 30, 40, 46, and 56, dependent claims 2, 12, 18, 25, 31, 41, 47, and 57 are also distinguishable over *Dunham* by virtue of the specific features recited in these claims. Accordingly, Appellants respectfully request withdrawal of the rejection of claims 2, 12, 18, 25, 31, 41, 47, and 57 under 35 U.S.C. § 102.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1-61 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.


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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a data processing system for backing up data, the method comprising:
responsive to a request to backup data associated with an application, querying a data store containing meta data regarding files associated with the application, wherein the data store includes meta data describing the files accessed by the application;
receiving a result in response to querying the data store; and
backing up the files identified in the result to a storage system.
2. The method of claim 1, wherein the files are backed up using a standard backup program.
3. The method of claim 1, wherein the data store is one of a database and a text file.
4. The method of claim 1, wherein the data is located on a source data processing system and the storage system is located on a destination data processing system.
5. The method of claim 4, wherein the data processing system is the source data processing system.
6. The method of claim 4, wherein the data processing system is the destination data processing system.

7. The method of claim 1, wherein the queuing step, the receiving step, and the backing up step are performed by a backup process.
8. The method of claim 7, wherein the backup process is located on the data processing system.
9. The method of claim 7, wherein the backup process is located on a data processing system associated with the storage system.
10. The method of claim 1, wherein the storage system includes at least one of a hard disk drive, a tape drive, and a rewriteable compact disk drive.
11. A method in a data processing system for backing up data, the method comprising:
 - receiving a request to back up data associated with an application;
 - querying a data store containing data regarding data associated with the application in response to receiving the request, wherein the data store includes meta data describing the files associated with the application;
 - receiving a result in response to querying the data store; and
 - initiating copying of the files to a backup location.
12. The method of claim 11 further comprising:
 - supplying the data to a standard backup program.

13. The method of claim 11, wherein the backup location is a storage device located on the data processing system.

14. The method of claim 11, wherein the backup location is at least one of a hard disk, a floppy disk, a magnetic tape, a rewriteable compact disc, and a memory.

15. The method of claim 11, wherein the backup location is a storage system connected to the data processing system through a network.

16. The method of claim 15, wherein the network includes at least one of a local area network, an intranet, the Internet, a wide area network, and a wireless network.

17. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of

instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to query a data store containing meta data regarding files associated with an application in response to a request to backup data associated with the application, wherein the data store includes meta data describing the files accessed by the application; receive a result in response to querying the data store; and backup the files to a storage system.

18. The data processing system of claim 17, wherein the files are backed up using a standard backup program.

19. The data processing system of claim 17, wherein the data store is one of a database and a text file.

20. The data processing system of claim 17, wherein the data is located on a source data processing system and the storage system is located on a destination data processing system.

21. The data processing system of claim 20, wherein the data processing system is the source data processing system.

22. The data processing system of claim 20, wherein the data processing system is the destination data processing system.

23. The data processing system of claim 17, wherein the storage system includes at least one of a hard disk drive, a tape drive, and a rewriteable compact disk drive.

24. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a request to back up data associated with an application; query a data store containing data regarding data associated with the application in response to receiving the request, wherein the data store includes meta data describing the files associated with the application; receive a result in response to querying the data store; and initiate copying of the files to a backup location.

25. The data processing system of claim 24, wherein the processing unit further executes a set of instructions to supply the data to a standard backup program.

26. The data processing system of claim 24, wherein the backup location is a storage device located on the data processing system.

27. The data processing system of claim 24, wherein the backup location is at least one of a hard disk, a floppy disk, a magnetic tape, a rewriteable compact disc, and a memory.

28. The data processing system of claim 24, wherein the backup location is a storage system connected to the data processing system through a network.

29. The data processing system of claim 28, wherein the network includes at least one of a local area network, an intranet, the Internet, a wide area network, and a wireless network.

30. A data processing system for backing up data, the data processing system comprising:
querying means, responsive to a request to backup data associated with an application,
for querying a data store containing meta data regarding files associated with the application,
wherein the data store includes meta data describing the files accessed by the application;
receiving means for receiving a result in response to querying the data store; and
backing up means for backing up the files identified in the result to a storage system.
31. The data processing system of claim 30, wherein the files are backed up using a standard backup program.
32. The data processing system of claim 30, wherein the data store is one of a database and a text file.
33. The data processing system of claim 30, wherein the data is located on a source data processing system and the storage system is located on a destination data processing system.
34. The data processing system of claim 33, wherein the data processing system is the source data processing system.
35. The data processing system of claim 33, wherein the data processing system is the destination data processing system.

36. The data processing system of claim 30, wherein the queuing means, the receiving means, and the backing means are performed by a backup process.
37. The data processing system of claim 36, wherein the backup process is located on the data processing system.
38. The data processing system of claim 36, wherein the backup process is located on a data processing system associated with the storage system.
39. The data processing system of claim 30, wherein the storage system includes at least one of a hard disk drive, a tape drive, and a rewriteable compact disk drive.
40. A data processing system for backing up data, the data processing system comprising:
first receiving means for receiving a request to back up data associated with an application;
querying means for querying a data store containing data regarding data associated with the application in response to receiving the request, wherein the data store includes meta data describing the files associated with the application;
second receiving means for receiving a result in response to querying the data store; and
initiating means for initiating copying of the files to a backup location.
41. The data processing system of claim 40 further comprising:
supplying means for supplying the data to a standard backup program.

42. The data processing system of claim 40, wherein the backup location is a storage device located on the data processing system.
43. The data processing system of claim 40, wherein the backup location is at least one of a hard disk, a floppy disk, a magnetic tape, a rewriteable compact disc, and a memory.
44. The data processing system of claim 40, wherein the backup location is a storage system connected to the data processing system through a network.
45. The data processing system of claim 44, wherein the network includes at least one of a local area network, an intranet, the Internet, a wide area network, and a wireless network.
46. A computer program product in a computer readable medium for backing up data, the computer program product comprising:
- first instructions, responsive to a request to backup data associated with an application, for querying a data store containing meta data regarding files associated with the application, wherein the data store includes meta data describing the files accessed by the application;
 - second instructions for receiving a result in response to querying the data store; and
 - third instructions for backing up the files identified in the result to a storage system.
47. The computer program product of claim 46, wherein the files are backed up using a standard backup program.

48. The computer program product of claim 46, wherein the data store is one of a database and a text file.
49. The computer program product of claim 46, wherein the data is located on a source data processing system and the storage system is located on a destination data processing system.
50. The computer program product of claim 49, wherein the data processing system is the source data processing system.
51. The computer program product of claim 49, wherein the data processing system is the destination data processing system.
52. The computer program product of claim 46, wherein the first instructions, second instructions, and third instructions are performed by a backup process.
53. The computer program product of claim 52, wherein the backup process is located on the data processing system.
54. The computer program product of claim 52, wherein the backup process is located on a data processing system associated with the storage system.
55. The computer program product of claim 46, wherein the storage system includes at least one of a hard disk drive, a tape drive, and a rewriteable compact disk drive.

56. A computer program product in a computer readable medium for backing up data, the computer program product comprising:

first instructions for receiving a request to back up data associated with an application;

second instructions for querying a data store containing data regarding data associated with the application in response to receiving the request, wherein the data store includes meta data describing the files associated with the application;

third instructions for receiving a result in response to querying the data store; and

fourth instructions for copying of the files to a backup location.

57. The computer program product of claim 56 further comprising:

fifth instructions for supplying the data to a standard backup program.

58. The computer program product of claim 56, wherein the backup location is a storage device located on the data processing system.

59. The computer program product of claim 56, wherein the backup location is at least one of a hard disk, a floppy disk, a magnetic tape, a rewriteable compact disc, and a memory.

60. The computer program product of claim 56, wherein the backup location is a storage system connected to the data processing system through a network.

61. The computer program product of claim 60, wherein the network includes at least one of a local area network, an intranet, the Internet, a wide area network, and a wireless network.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.